

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:15-HC-2223-BO

MICHAEL LINK BEARFIELD,)
)
Petitioner,)
)
v.)
)
CARLTON JOYNER, Warden.)
)
Respondent.)

ORDER


On April 12, 2016, Magistrate Judge Numbers issued a Memorandum and Recommendation (“M&R”) [D.E. 6]. In the M&R Judge Numbers recommended that petitioner’s petition for writ of habeas corpus under 28 U.S.C. § 2254 be dismissed without prejudice as untimely. See id. Neither party objected to the M&R.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (alteration, emphasis, and quotation omitted). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Id. (quotation omitted).

The court has reviewed the M&R, the record, and the pleadings. The court is satisfied that there is no clear error on the face of the record. Accordingly, the court adopts the conclusions in the M&R. The court DENIES a certificate of appealability. See 28 U.S.C. § 2254(c); Miller-El v.

Cockrell, 537 U.S. 322, 336–38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000). The clerk shall close the case.

SO ORDERED. This 11 day of May 2016.


TERRENCE W. BOYLE
United States District Judge